CHARLOTTE

Charlotte City Council

Community Safety Committee

Meeting Summary for November 14, 2012

COMMITTEE AGENDA TOPICS

I. Subject: **Pedicab Regulations**
Action: None

II. Subject: **Public Consumption Ordinance**
Action: Voted not to amend the ordinance (unanimous)

III. Subject: **Next Meeting**
Wednesday, December 19, 2012 at noon in Room 280

COMMITTEE INFORMATION

Present: Patrick Cannon, Andy Dulin, Claire Fallon and Beth Pickering
Time: 2:05 pm – 3:35 pm

ATTACHMENTS

1. Agenda Package
2. Pedicab Legislation PowerPoint
3. Pedicab/Pedibus Regulations in Comparable cities

DISCUSSION HIGHLIGHTS

Chairman Cannon called the meeting to order and asked everyone in the room to introduce themselves. He then turned it over to Assistant City Manager Eric Campbell.

I. Pedicab Regulation

Campbell: This is a continuation of the discussion we had last month. We will recap that presentation with some additional information. Since our meeting last month we have established a staff work group. We have met three times and the industry sat in on one of our meetings and what you will see today are the items and issues that developed and those discussions for the Committee. Tracy Evans from the Police Attorney's office will do the

presentation.
Evans: Before we start I want to say that our work group consisted of the City Attorney's office, the Policy Attorney's office, Passenger Vehicle for Hire (PVH) office, CDOT, Center City Partners and the City Manager's office, so it is quite a coalition involved in this process.
(Ms. Evans began reviewing the "Pedicab Legislation" presentation (copy attached.)

Cannon: When you talk about the number pedicabs in operation (slide 4), does that include or exclude independent contractors?

Evans: That number includes independent contractors.

Campbell: That is just an estimate based on that conversation with the industry.

Evans: That is the number of pedicabs that exists, 22 to 26, however each pedicab is not limited to only one independent contractor so it is possible that more than one person can drive one pedicab.

Cannon: Does the industry represented here today have an idea of the number of independent contractors that are out there?

Noah Hagerman: Yes, here in Charlotte we do have about 26 pedicabs that are hubbed here. Out of the 26, four would be independents where it is just a solo rider that has his own business. During Panther games, the DNC, etc. there could be as many 20 to 30 additional pedicabs here in Charlotte so 26 plus at least another 25, there could be 50 at one time or more.

Fallon: Do they know the rules and they have to conform to whatever rules we have now?

Evans: There is no City department that currently regulates these so aside from them going and reading the City Ordinance, there is no enforcement.

Powers: In regards to the actual ordinance, if they actually operate here they would have to have a privilege license tax which is a revenue license.

Fallon: Right, and is that monitored?

Powers: In regards to enforcement, I think that would be an issue in itself, them operating here and not having a privilege license tax. If we become aware of that and the County Tax Office becomes aware of that they can proceed to enforce against those individuals. But yes, there is a possibility that they could operate without a privilege license tax, which would be a violation of the City Ordinance.

Cannon: What does that application process look like? (referencing slide 5)

Evans: It would be a process that one of the City departments could create. When we were researching a lot of this, we did look at the PVH as a model since they would be applying to drive for hire such as PVH does. What that would likely look like is pulling a criminal history

check of the driver, their driving history, a DMV license and it would just be a standard form and then the department would be responsible for gathering that information.

Cannon: Why do I need to have a driver's license to drive a bike?

Evans: That was one of the recommendations from the association. One of the reasons we discussed needing a driver's license is to look at that person's history, to be able to look at their driving history to see if they had any accidents in a vehicle, not a bike.

Cannon: This is a non-motorized vehicle.

Evans: Correct, but you are driving in City traffic on City streets.

Powers: I think the reason why we looked at the driver's license aspect of it was to insure that the passenger would be able to ride in a vehicle that was operated by the safest and secure individual who was knowledgeable of the rules of the road and had not blatantly violated those rules to the detriment of others. I think that was the concern, and while they may be on a bike, it was more looking at what has been their history in a larger vehicle, would that be indicative of them being safe and secure passengers in this smaller type of apparatus.

Evans: Additionally, this is something you may want to look at going forward. There are no requirements for seatbelts on these pedicabs so it is important that the drivers are good drivers because there is not an actual safeguard for the passengers.

Cannon: Can you explain to the Committee why there are no seatbelts?

Evans: They are not currently required and I believe some of the manufacturers can make the actual seatbelts. I know that other cities do require those in pedicabs, but we have not so far.

Fallon: You don't want someone with a DUI and they can only use the bicycle because they can't drive a car anymore.

Pickering: To the driver's license part, if we were to have some kind of an incident or accident and the public were to learn that the driver didn't have a driver's license I think that might be a concern to the general public. I would support having a driver's license requirement.

Cannon: I don't necessarily disagree with it too much. I just wanted to understand the rational for it. Would you speak to us about liability insurance?

Evans: This was a recommendation of the Pedicab Association. Currently, both of the companies we spoke with do carry liability insurance and they know for a fact that some of the independent contractors do not carry liability insurance. For the independent contractors that are operating, if a passenger were to be injured there would be no coverage for them. They would pay for injuries that they may suffer. That is a concern and they recommended that each company carry $500,000 in liability insurance.

Cannon: Is that an affordable number for the independent contractors to be able to afford? I'm only asking that question largely in part because of previous discussions we've had on other issues about people in other industries, independent operators and the question that this Council ended up getting in this Committee about whether we were driving people out of business or not.

Evans: That is a concern that our group had as well. Without being able to speak to independent contractors, we are not aware exactly of what their profit margin is every year. We do believe that this is a cheaper and safer option for them to obtain liability insurance than have an accident and have to independently pay for someone's injuries. Additionally, we did talk about having independent contractors affiliate with a company so that they may fall under the umbrella of that company's insurance without actually being an employee of that company.

Dulin: I don't know if I would want a pedicab on the street that is not covered by $500,000.

Campbell: I believe there are some cities that require more than $500,000. The City of Houston requires $1 million.

Cannon: I just wanted to make sure that we put out on the table that we do believe in equal opportunity and to be conscious of that I think you've got to put something out there just to make sure people understand that we are thinking about this process.

Fallon: I have a problem with the ability to ride on the sidewalk. What is the purpose of it? I will tell you right now going down on North Tryon one day somebody with a pedicab came off the sidewalk into traffic and I nearly hit them.

Powers: Right now, in regards to the issue of sidewalks, the ordinance basically is that pedicabs have to ride on the actual City streets and what we are hearing from the Pedicab Association is if they have the ability to ride on the sidewalks that can help to minimize the possibility of accidents between vehicles and the pedicabs themselves. It will allow for a freer flow of the pedicabs from point A to point B instead of having to be in traffic, stopping at the red lights, possibly having the possibility with larger vehicle injuring passengers so that is why they are asking for the opportunity to actually ride on the sidewalks in light of the ordinance which requires them only to be in the public streets.

Cannon: Could I get Transportation to respond to that please?

Billings: That is not what I heard. I heard the folks saying they liked to be on the sidewalks because it was easier to get fares and to drop people off at their destinations, not that they actually wanted to ride on the sidewalks. In talking with CDOT I don't think we are in support of allowing pedicabs on the sidewalks.

Campbell: During our work group meetings, the consensus was that we would not recommend changing the current ordinance to allow them on the sidewalks. There was a request to be able to go on the sidewalks but we are not recommending to the Committee that we do that.

Cannon: Regarding Wilmington, NC's ordinance, do we have any understanding as to why they

capped their number at 22?

Christine Edwards: I'm not sure why. It didn't say in the ordinance.

Cannon: I'm just trying to figure out if that was done because they didn't want to have but just so many in the center city. Are cap controls in place or what?

Edwards: It could be because they have the tourism there in Wilmington or it could be independent contractors could add on to that and be counted as official.

Cannon: This is a seasonal business, but still you could be operating in Florida most all year and if you want to do it year round you can, but it could be cold outside

Dulin: Regarding the "Equipment" slide, from my on the ground study of pedicabs since we have been talking about this, the top yellow three-wheel pedicab, that looks like a pedicab and it is well lit in the front and it is well lit in the back, better in the back and that is what pedicabs that are running around Panther Stadium look like. The bottom one has got two benches on it, at least the ones I've seen. It looks like somebody took a bunch of piping and screwed it together with corners and made two benches and isn't well lit on the back. Noah showed me some pictures and he is operating both kinds. The top one he has well lit but the bottom one just has two little lights on either side of it and it is not as well lit as the top one in these examples here. That is something of concern to me and I would guess the bottom one is much cheaper to purchase and to operate than the top one because the top one is coming from some Pedicab factory. One of my concerns is that you guys will rotate to the cheaper model with more profit in it without being as well lit as the top ones. They can carry more people in the bottom one; it's got two benches and not one. My guess is the more people you carry, the more tip you make. I'm more for the upper professional looking pedicabs than I am for the lower one.

Cannon: With that being said, there is a question on the floor about whether or not we would be able to distinguish the actual type of cab that we would like to have to operate by.

Evans: Yes, we would be able to do that in the ordinance. We would be able to specify the type of equipment and specify it by the tricycle type pedicabs.

Dulin: I don't care if he has six rows of benches if the poor guy pedaling it can safely pedal the thing up the hills and it is well lit with appropriate brakes and he can stop it. I'd like to have the guys have reflector vests on like we have the valet guys wear.

Cannon: This poses several questions, he is mentioning the visibility of these pedicabs and so as you talk about being in uniform with each other in terms of both the dress and/or the attire of the person that is doing the pedaling. Then of course the pedicab in itself and what it looks like, it almost reminds me of New York City, and some other stuff we had about some cab companies way back when, on trying to keep them uniform. I'd like to ask staff, based upon Mr. Dulin's suggestion, to engage in some level of discussion with the industry about how one might be uniformed, potential colors that might be vibrant in color of the pedicabs to determine if that industry would be willing to look at transitioning to. As you all have that discussion with them

I'm not suggesting that they have to conform with that, I'm asking that that level of discussions take place. I would ask that you include Center City Partners in that level of discussion please. Seatbelts – something that is not on the pedicabs right now. Do we feel like with some of the things we are asking for with driver's license and this or that, that it is an important feature to have on these pedicabs or not?

Campbell: We discussed that and we didn't land with any specific recommendation primarily because we didn't have any data on incidents and they are not required consistently throughout various cities so we didn't really come with a recommendation. It is the Committee's purview if you want to require them we can make that recommendation to the full Council.

Cannon: Do we know the industry's perspective on seatbelts?

Campbell: In our meeting I don't think we ask that question to them.

Cannon: Would you make that part of your discussion when you have these other discussions with the groups. What are the prices on some pedicabs?

Powers: In our discussions we've had with the industry, what we could determine was they price per person and gave a range of about six blocks. I think it was $5 per person for a six block range and then an extra dollar per person per block thereafter. That was the ideal standard but it doesn't necessarily mean it would conform to that. If they had to go 10 blocks and four people they might charge $25 instead of charging at the rate I just said before. Staff does not have a recommendation as to what the price point should be in regards to distance or person, but we defer to the Committee to make that determination or to ask staff to look into this further.

Cannon: I would ask you to look at other cities and what they are doing. It may be that they are not doing any of that and it may be that some are doing a little bit of it.

Campbell: The ordinances we reviewed, it seems like the cities are allowing the market to regulate. There aren't definite prices. I think they are using language like an agreed upon price before the patron rides so they are not giving you a real set rate, they are just saying an agreed upon price.

Evans: It was indicated to us by the members of the Association that we met with that the price is pretty standard. That $5 for 6 blocks, per person, because if one company decided to charge more, then those people would just use another pedicab because they are so close in proximity that that person would lose business. It is pretty much a self-regulating industry.

Cannon: I asked that question because I didn't know the answer to it, but I am not interested in over regulating.

Campbell: We will double check that.

Cannon: I would ask staff if they would go back and take a look at specifically what would exclude someone from being able to issue a permit as it relates to their driving history and make

some recommendations back to the Committee relative to that. There might be some other things that are out there that we might want to be conscious about. Also, if people are not following the ordinance as they should, for instance if we know sidewalks are an issue and yet we see that occurring what then might be the penalty for violating the ordinance.

Evans: Right now it is a standard civil violation ticket and you would just write out the Chapter violation. Under Chapter 14 I believe it is $30.

Fallon: Would we be suspending the license if they had a number of violations?

Evans: Not currently, no and we could write something like that into it.

Fallon: Does this make the City liable that we are doing this and we are adding more things to our laws and since we are doing it does that concur and make us liable if there is an accident or anything?

Powers: I would answer your question slightly different than just yes or no. I think what the Committee is looking at doing is trying to regulate to insure safety of the passenger. That does not mean that we will not be sued, but what I can say is if someone attempts to sue us in regards to these regulations that this Committee may look at, I don't think they will be successful.

Dulin: Ms. Fallon, we get sued thousands and thousands of times. We own the streets and we own the sidewalks and we own the trees and we get sued because someone hit a tree because we put a tree in their way. Stuff we are seeing now I think today is more about trying to help these guys run their business and we can protect ourselves, but also protect the public. If somebody hiccups on one of our streets they will sue us if they think they can get some cash out of it.

Cannon: What does the industry say about the affiliation requirement you mention on slide 15?

Powers: We did not direct that to the industry. We are posing a lot of this to the PVH Board and to what their thoughts are about the affiliation requirement. When the Committee tells us your thoughts on affiliation and whether it is appropriate or not we will then have further discussions with the industry on that issue.

Evans: They did voice a few concerns to us about the gypsy companies coming in for big events and not knowing the rules, not having to follow anything that is in place because there currently haven't been any enforcement so I think they would be in favor of that based on the conversations that we've had as far as safety is concerned.

Campbell: One of the things I wanted to quickly clarify, I talked with the Chair about this in a pre-briefing, but I think the Committee needs to be clear that right now this industry isn't regulated by anybody. It is just out there. The PVH discussion you are hearing is just the staff discussion. In some regards PVH is too stringent for this industry because it is not a taxicab so we have to go back as a staff and really work through something that will be manageable for the industry. For example, if they got a ticket, assuming it would go immediately under PVH as it works now, they would have to appeal the citation and would have to go before the PVH Board.

Would we want pedicab and taxicab drivers appealing to the Board or somebody who was in a seasonal industry having to wait a while for their appeal to be heard? They would have lost a month of time.

Cannon: Does the peddler have to wear a helmet?

Powers: Under our ordinance we don't require any of that.

Cannon: In terms of cash passing hands, is that just basic cash or do they also accept credit cards?

Campbell: I don't believe they accept credit cards.

Cannon: I'm getting nods from the industry that yes they do. Please follow-up on that. I wonder what would be the harm in us including that as a requirement as well.

Evans: I don't believe there would be any legal harm to inquiring that.

Cannon: Have you had a level of discussion with Center City Partners about potential hybrid in conjunction with CDOT, and what was their feedback?

Evans: They indicated to us that they would just want to be kept in the loop as far as who had a license and the ability to operate, but they are not necessarily concerned with having their hands in the matter.

Campbell: We have representatives of Center City Partners present today and I think when we talked about the hybrid it was in context of the model we currently use for vendor permitting and doing a similar system possibly and give them more involvement, but as Ms. Evans mentioned, there is also the option of rewriting a section of the PVH Ordinance geared specifically for pedicabs that would not be as stringent, but would have some of the coverage as well.

Cannon: Can you go back to them and get some clarity to ensure that is exactly what they understand this case to be? What I don't want is to become too taxing on an entity where they may not have the ability to get out there and do the level of inspections, deal with an appellate process, deal with some of the other related issues that we are asking that one would have to be engaged in, knowing and understanding what their business is.

Campbell: Our discussion with Center City Partners was not to let them do the inspection piece, it was the issuing of the permit. Police would still be doing the enforcement and we still administratively will be doing the applications.

Cannon: Okay, that clears that up and the appellate process would go through the CMPD?

Evans: Either CMPD or some other City Department. It would not go through Center City.

Fallon: I have a question about that. If it goes through Center City in anyway, do they make

money off it. Do they get a fee for it?

Billings: No.

Dulin: I know I might be bringing up a long discussion, and I hope not, but our next agenda item is Public Consumption as it relates to the Party Pedaler. We are going to be discussing public consumption on that Party Pedaler and to me that is more dangerous than people sitting in the back of a horse carriage or a pedicab. Our discussion on public consumption in Item II today, if we are talking about bicycles will it retrofit back to the pedicabs and to the horse carriages?

Evans: That is actually one of the issues we are going to present in the next PowerPoint is whether or not you would want to restrict to the Party Pedaler or if you would like to open it up to the horse and carriage and pedicabs.

Cannon: I would think unless there are other questions from the Committee, this will conclude this topic on Pedicab Regulations. Staff has some things to go and check out and then come back to us at the next meeting.

II. <u>Public Consumption</u>

Campbell: This request came to Council by way of Citizens' Forum from the owner of the Party Pedaler. We have a brief presentation just to outline the issue for you and for your consideration.

Tracy Evans reviewed the "Public Consumption" presentation (copy attached)

Pickering: Are other cities using Party Pedaler and offering alcohol or are folks bringing alcohol with them? What are other cities experiencing?

Evans: There are other cities that currently have some form of Party Pedaler, but there are other companies that operate in other cities as well. I believe Raleigh has just gotten one and Raleigh did change their ordinance to allow alcohol on the Party Pedaler, however there is a difference in the one that operates in Raleigh. It is enclosed on both sides so it is more of a vehicle. From our research there is another one that is operating in Raleigh that has enclosed sides.

Cannon: I believe there are probably some public safety concerns here that a few would have with that.

Fallon: I was just in Nashville and I saw it. There were about 14 people on it at 11:00 a.m., screaming and yelling, throwing their hands up. I am not for it at all. I would leave the ordinance as it is.

Evans: To your point, I will point out that CMPD is opposed to changing the public consumption ordinance. Additionally, I believe Officer Buckley can speak to this; we have done enforcement on Party Pedaler several times. We did have a meeting with Tracy to talk about who would permit and we did come to the agreement that nobody needed to permit it at that time. However, we did also inform her and Ms. Keith that they were not to consume alcohol on

the vehicle and I believe they have received several city citations for continuing to consume alcohol.

Cannon: Committee, you may have noticed in your materials that there is a position from our City Attorney (copy attached) with regard to if the Committee felt like they wanted to prohibit this or not that you would probably land in a good place regardless of your decision. I wanted to highlight that, knowing and understanding that there is an attorney represented here today on this issue. I wanted to make sure that I raise that so that you caught it if you haven't seen that piece of information. It is from Bob Hagemann, our Attorney, and what he says on that liability piece at the very bottom is that in my experience the chance that the City could be found liable for not prohibiting a particular activity is extremely remote. For that reason I do not believe that concerns about potential liability should factored into your decision.

Pickering: I prefer not to go the route of alcohol. It just makes me uncomfortable. We have just gone through and are still going through this issue of alcohol ads on buses, I know it is a separate issue, but it is related and I think we should be consistent in our view on alcohol and I would be uncomfortable moving forward with this.

Cannon: Officer Buckley, anything you would like to share with us sir?

Buckley: Personally, I'm opposed based on what I've seen while doing enforcement up there. They were informed not to have alcohol, but it has been seen and in fact it has been seen more than it has been written as far as citations. It leaves some potential open for bottles being thrown as well as many other safety issues that we don't want.

Cannon: What are the infractions for doing something like that?

Buckley: To hit someone, arrest with a misdemeanor or an assault. If you hand alcohol to an underage minor because you don't know how old that person is you can be cited for that. That is also arrestable.

Evans: Currently, they would be in violation of the current ordinance against public consumption.

Cannon: How many have we issued?

Evans: We don't have a number, but there are at least three citations that I'm personally aware of.

Cannon: I want to keep that in perspective. I don't want to just throw something out there and we assume it could be 500 and it is one.

Buckley: They do let me know when they issue them and I can think of two and I think there is another one so there might be three.

Cannon: From what I'm hearing around the dais in the name of public safety for both the riders

and those that maybe are not riding this might be something that might create more of something that we don't want. I would entertain a motion if there is a motion to leave it alone or a motion to do something else beyond that.

Fallon: Motion that we leave the ordinance alone as it is.

Pickering: Seconded the motion.

Dulin: I'm going to support the motion knowing that unfortunately this is harmful to your business, Tracy. I would have looked into this before I spent all that money on equipment personally, but you can do whatever you want to. I don't mind coming back and asking us to come back and look at it in a year to see where we are, to see if there are other best practices in other cities

Cannon: What really concerns me there is no limit on the amount of consumption of alcohol that one might be able to cap it or stop at a certain amount and I don't want to get into a situation where we have people that engage in drinking that end up not being responsible and create some type of situation that we would not want to see. I think this would totally be for their sake as well as everyone else.

Fallon: Is there no regulation to hours? It was 11:00 in the morning, it was in a course area, there were little kids standing there going to the Hall of Fame at Nashville. I don't see the point in it. Why 14 people have to be on the thing screaming and yelling at 11:00 in the morning and drinking. I don't see that there is any enhancement to a city.

Cannon: Industry, understand that we are not yelling at you. I think what you hear is just really some thoughts about where the Committee is right now. The Council at the end of the day still has to make the decision. We represent less than half of that number. You still have the ability to lobby outside here if you would like to do that and express your points for consideration. I want to be fair about making sure you understand what you still have before you in the way of opportunity if you want to continue to go that route.

The vote was taken on the motion and was recorded as unanimous.

Cannon: I want to thank staff for your work on this. I appreciate CMPD giving us your honest feedback.

III. <u>Next Meeting</u>

Campbell: It is scheduled for December 19th at 12:00 noon in this room. I would like to just put on your radar screen as we move into the new year, we have started discussions for renewing the Focus Area Plan. There has been a schedule put out for that review so we may have more for the January meeting, not the December meeting, when it comes to the Focus Area Plan discussions and how the Committee wants to amend parts of it.

Meeting adjourned at 3:35 p.m.

Community Safety Committee

Wednesday, November 14, 2012; 2:00 – 3:30 pm
Room 280

Committee Members:	Patrick Cannon, Chair Beth Pickering, Vice Chair Michael Barnes Andy Dulin Claire Fallon
Staff Resource:	Eric D. Campbell

AGENDA

I. <u>Pedicab Regulation</u>

Staff Resources: Tracey Evans and Thomas Powers

During the October 17, 2012 Committee meeting, City staff presented information related to the potential regulations of pedicabs within the City. Staff will recap and continue those discussions.

II. <u>Public Consumption Ordinance</u>

Staff Resources: Tracey Evans and Thomas Powers

At the September 24, 2012 City Council meeting, a referral was approved for the Committee to review and consider an amendment to the ordinance regulating the public consumption of beer and wine.

<u>Attachments:</u> 1. Party Pedaler Memo to Council.doc
2. Public Consumption.ppt

<u>Next Meeting</u>: Wednesday, December 19; 12:00 p.m., Room 280

Distribution:	Mayor/City Council Bob Hagemann Captain Willis	Curt Walton, City Manager Stephanie Kelly	Leadership Team Rodney Monroe

CITY OF CHARLOTTE
OFFICE OF THE CITY ATTORNEY
Memorandum

TO: Mayor and City Council
FROM: Robert E. Hagemann, City Attorney REH
DATE: July 27, 2012
RE: "Party Pedaler"

During this past Monday's Citizen Forum, Council was presented a proposed amendment to the City Code that would allow the consumption of beer and wine by passengers on non-motorized vehicles (*i.e.,* horse and carriages, multi-user bicycles) traveling on public streets. After receiving the proposal, Council asked me to outline the current legal framework that governs this request and to comment on potential liability to the City if the Council were to approve the proposed amendment.

Legal Framework

North Carolina ABC laws grant local governments the authority to regulate and prohibit the possession of open containers and consumption of malt beverages and unfortified wine on public streets. [Note: State law does not allow the possession of open containers and consumption of spirituous liquor and fortified wine on public streets, and local governments have no authority to legalize such.]

Pursuant to this grant of authority, the City Code currently prohibits the possession of open containers and consumption of beer and wine on public streets and sidewalks. The ordinance does, however, provide an exception that authorizes the issuance of permits that allow possession/consumption of beer and wine on public streets/sidewalks within the boundaries of a "community-sponsored public function, festival or celebration".

The proposal submitted on Monday would establish an additional exception to read:

> Consumption of beer or wine is permitted on public streetways while the consumer is a participant in a tour on a non-motorized transport vehicle (*i.e.,* horse and carriage, multi-user bicycle) which is operated for commercial purposes and which is driven or steered by a non-consuming employee of the commercial business.

Based on current ABC laws, Council has the authority to adopt this proposal.

Liability

In my opinion the chance that the City could be found liable for not prohibiting a particular activity is extremely remote. For that reason, I do not believe that concerns about potential liability should factor into your decision.

PUBLIC CONSUMPTION

COMMUNITY SAFETY COMMITTEE

NOVEMBER 14, 2012

POLICE

CMPD.ORG

CITY OF CHARLOTTE

ISSUE

- Should the current City Ordinance be amended to allow for public consumption of alcohol?
- And if so, in what capacity?

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Current laws

- N.C. law- N.C.G.S. 18B-301 (f)(1c)- It shall be unlawful for any person to consume fortified wine, spirituous liquor or mixed beverages or to offer such beverages to another person on any public road, street, highway or sidewalk.
  - Beer & low alcohol content wines are permitted
- City of Charlotte Ordinance- Sect. 15-3- *Consumption in public.* No person shall consume any beer or wine upon or within the limits of any public street or sidewalk in the city or upon any rapid transit rail platform.

CMPD.ORG

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Party Peddler

- Originally requested the public consumption ordinance changes
- A multi cycle vehicle that allows up to 14 passengers to steer and ride at a speed of approximately 0.5 mph.

(Picture courtesy of Google images)

CMPD.ORG

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Other types of non motorized vehicles

Horse and Carriage
(Picture courtesy of Southern Breeze website)

Pedicabs
(Picture courtesy of R&R Pedicab facebook page)

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Scope of Ordinance

- Questions to Consider?
  - How broad should the Ordinance reach?
    - Party Pedaler alone? Other non motorized vehicles?

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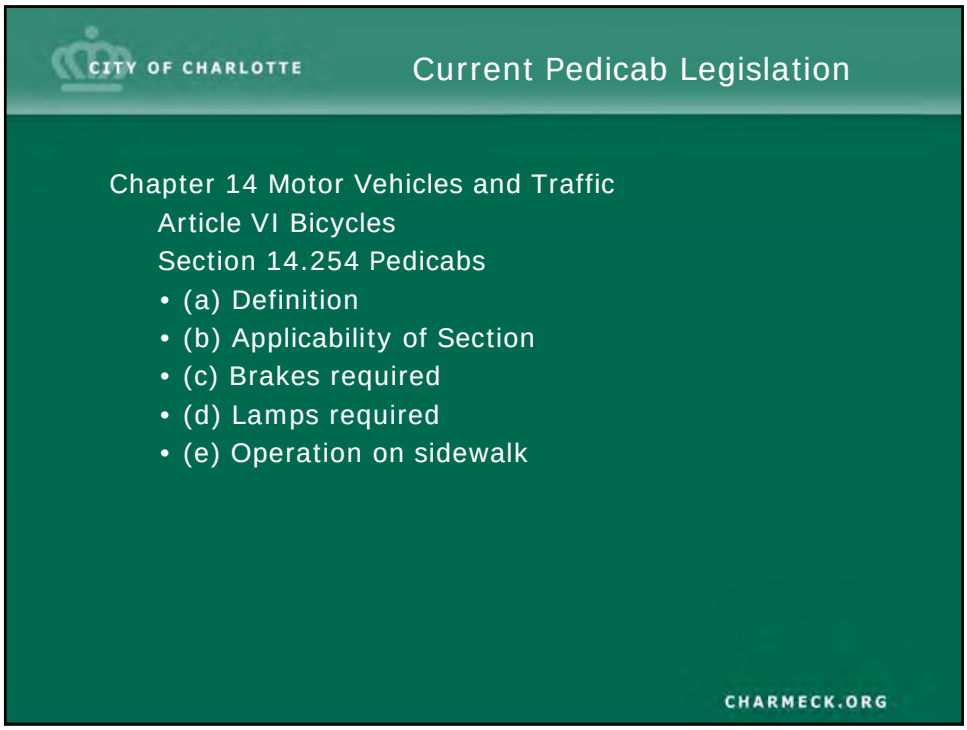
OFFICE OF THE
CITY MANAGER
Pedicab Legislation
Community Safety Committee
November 14, 2012
CHARMECK.ORG


CITY OF CHARLOTTE
Current Pedicab Legislation
Chapter 14 Motor Vehicles and Traffic
Article VI Bicycles
Section 14.254 Pedicabs
• (a) Definition
• (b) Applicability of Section
• (c) Brakes required
• (d) Lamps required
• (e) Operation on sidewalk
CHARMECK.ORG

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Current Definition of Pedicab

- *14-254(a)*
  - A device with three or more wheels which is pedaled by one individual and is used for, or is capable of, transporting passengers in seats or a platform.

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Current Owners/Operators

- The owners from R&R Pedicab and Cycle Taxi USA have informally formed the Charlotte Pedicab Association and are lobbying for changes to be made to the industry
- Known operators in Charlotte include:
  - R&R Pedicab
  - Cycle Taxi USA
  - Charlotte Pedicab
  - Independent contractors
- Roughly 22-26 pedicabs regularly in operation in Uptown Charlotte. More during large events.

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Major Concerns

- Standard criteria for operation such as type of cab, lamps, brakes
- Standard application process
- Proof of driver's license
- Liability Insurance
- Ability to ride on sidewalks

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Regulation in other Cities

Austin, TX

- Definition: (18) PEDICAB means a chauffeured, non-motorized vehicle that is propelled by pedals and operated for compensation, but does not include a vehicle that is equipped with individual bicycle-style seats with pedaling stations for passengers.
- Enforced by Urban Transportation Committee and Austin Police Department

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Regulation in other Cities

Austin, TX

- Policy in Ground Transportation Passenger Services
- Liability insurance requirements
- Non-motorized service inspection requirements
- Application process for operating authority in Austin

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Regulation in other Cities

Phoenix, AZ

Definition: Pedicab means either a bicycle or a motorized electric or gas powered bicycle or tricycle that transports or is held out to the public as available to transport passengers for hire

Enforced by Phoenix Police Department

- Requires license
- Requires inspection tag issued by Police Department
- Operating criteria such as size, width, routes fares and schedules

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Regulation in other Cities

Dallas, TX

Definition: Pedicab means a device with two or more wheels designed to carry passengers while being propelled by human power.

- Enforced by Police Department and Dallas Area Rapid Transit System
- Operating Authority required, annual fee
- Required proof of commercial liability insurance
- Standard operating procedures, schedules, route and fares.

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Regulation in other Cities

Raleigh, NC

- No Current legislation

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Regulation in other Cities

Wilmington, NC

Definition: Pedicabs. A cycle with three or more wheels operated by one person for the purpose of, or capable of, transporting passengers for hire in seats or on a platform made part of the pedicab

- Ordinance under vehicles for hire
- Vehicle for hire license (maximum number for pedicabs is 22)
- Drivers permit
- Liability insurance

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Regulation in Charlotte

- What regulation could look like here:
  - Equipment
  - Drivers' requirements
  - Insurance
  - Prices
  - Geography
  - City Department ownership

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Equipment

- Change definition of pedicabs to include “for hire”
- Types of pedicabs:
  - Tricycle
  - Carriage style

- Inspections
  - Annual and every year thereafter
  - By city designee or contracted services

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Company Requirements

- Business License Required
- Decal/Permit
  - To be displayed on each pedicab

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Drivers' Requirements

- Permits
  - Criminal history checks
  - DMV history
    - Valid driver's license
    - Driving history
- Affiliation Requirement?

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Insurance Requirements

- Require all companies to carry insurance
  - Must be in possession of the driver at all times
- Type of coverage
  - $500,000 liability (recommended by Pedicab Association)
  - Covers passengers, property, business

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Price

- No fixed price
- Require drivers and passengers to agree on the price of the ride in advance

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Geography

- No fixed area
  - Use on streets with a speed limit of 35 mph or less
    - Allow authority to limit routes as necessary
- No use on sidewalks

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City Department

- Currently not in the control of any department
- Duties
  - Create infrastructure to permit drivers/companies
  - Monitor inspections
  - Police would enforce
- Appeals Process

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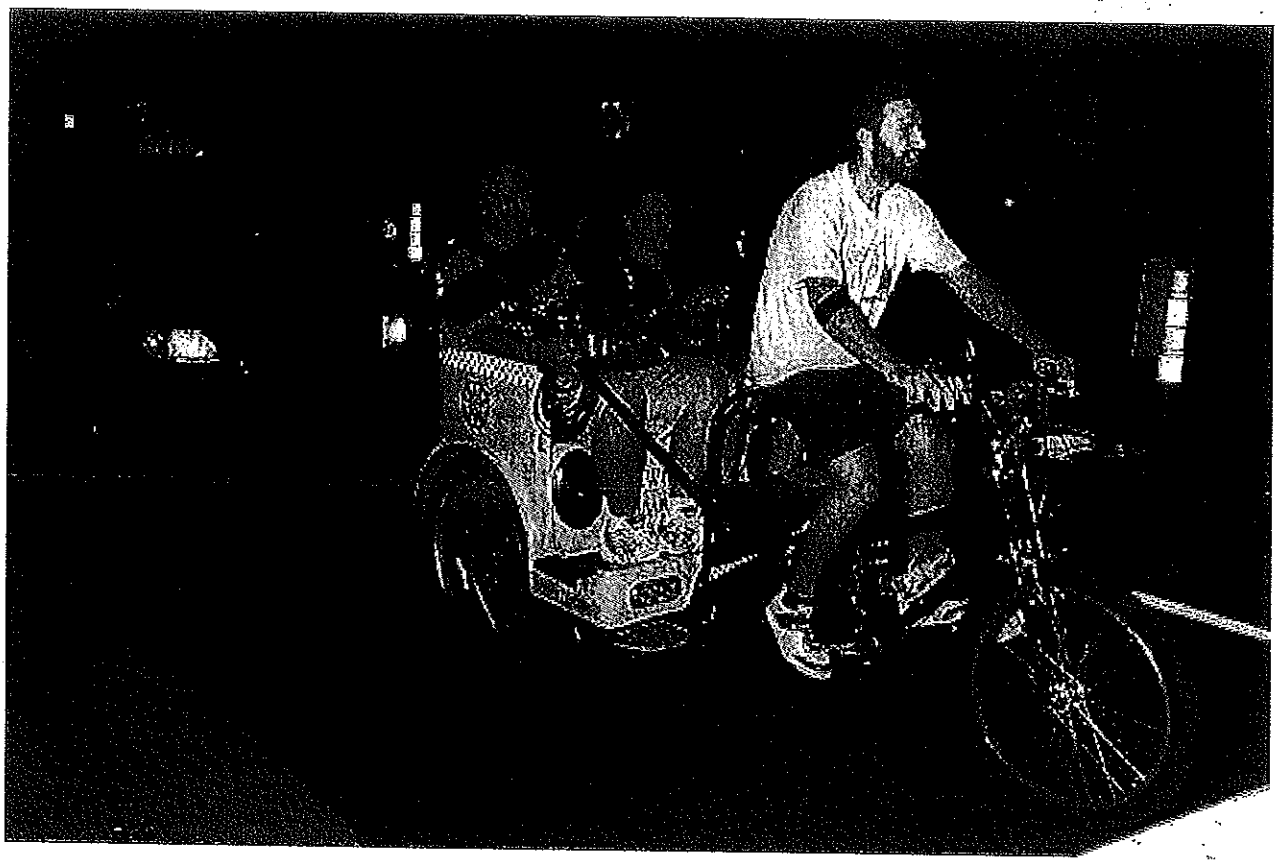
Pedicab/Pedibus Regulations in comparable cities

City	Administration	Pedicab Ordinance/Regulations	Public Consumption Ordinance	City Ordinance
1. Charlotte, NC	Department of Transportation, Risk Management Division	None	*Code 1985, §15-3; Ord. No. 3655, § 5, 7-23-2007)* (f) Consumption of beer and wine is permitted during any community-sponsored public function, festival...etc (g) Application forms for the permit to referred subsection (f) of this section...must be filled at least 21 days prior to opening day of the event	
2. Austin, TX	Urban Transportation Committee, Austin Police Department	Adoption of specific Pick-up Zones and modifications during "super events"; Pedicabs are regulated as taxicabs	Open container ordinances amended to include certain areas. Not in relation to pedicabs.	Austin Pedicab Ordinance
3. Phoenix, AZ	Austin Police Department; Housed under Morals and Conduct section	Requires license, application to obtain inspection tags, insurance (owner's or operator's policy of liability insurance).	Open container laws throughout the city prohibit public consumption of alcohol.	Adobe Acrobat Document
4. Dallas, TX	Police Department; Dallas Area Rapid Transit System	Requires permission by permit to operate a non-motorized transport vehicle, outlines required equipment and insurance.	*Ord. 20788* An alcoholic beverage may be in the vehicle only if the passenger: 1) brings the alcoholic beverage into the vehicle and meets the minimum age requirements of the state, or 2)personally purchases the beverage at a liquor store while using the vehicle.	Dallas Pedicab Ordinance
5. Atlanta, GA	Bureau of taxicabs and vehicles for hire Atlanta Police Department	Operator's Permit Insurance Coverage Renewal Applications	Public consumption is unlawful except for permitted outdoor festivals; these events require an Alcohol permit.	Atlanta Pedicab Ordinance

Pedicab/Pedibus Regulations in comparable cities

6. Raleigh, NC	No ordinance?			
7. Philadelphia, PA	The Department of Streets; Police Department	License ,insurance, application fee and approval, proposed routes	No mention of open container laws in relation to pedicabs	



Pedicab/Pedibus Regulations in comparable cities

Requests from the Charlotte Pedicab Association:

1. Changes to the public consumption ordinance which would allow consumption of beer or wine to be permitted on public street ways while the consumer is a participant in a tour on a non-motorized transport vehicle.
2. Consumption of beer and wine would be on a BYOB basis.
3. The Party Pedaler would not serve or sell any alcohol

The issues surrounding the revision of a Pedi cab ordinance are two-fold:

1. Changes in public consumption ordinance to allow consumption of beer and wine on public street ways
2. Changes to non-motorized vehicle regulations to ensure safety, security and fairness of the Pedicab industry in Charlotte

Recommendations:

1. Decide who will administer and enforce pedicab ordinance.
2. Set course of action to legalize and regulate pedicab industry using standard criteria.
3. Evaluate public consumption ordinance for potential to include non-motorized transportation.